



ATTORNEY DOCKET NO. 43890-449
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2823
Hidenori KAMEI, et al.) Examiner: G. R. FOURSON III
Serial No.: 09/680,943)
Filed: October 10, 2000)
For: P-TYPE NITRIDE SEMICONDUCTOR AND)
METHOD OF MANUFACTURING THE SAME)

#12
Election
FJONES
1-22-03

RECEIVED
JAN -6 2003
1C 2800 MAIL ROOM

ELECTION UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 3, 2002, having a shortened statutory period for response set to expire January 3, 2003, wherein the Examiner required restriction between the following Species:

First Species: wherein the cooling step is performed without hydrogen and without a decrease in hole concentration; and

Second Species: wherein the cooling step is performed in hydrogen such that resistivity increases.

Applicants elect without traverse, the First Species with claims 1-3 and 6-10 readable thereon for prosecution on the merits.

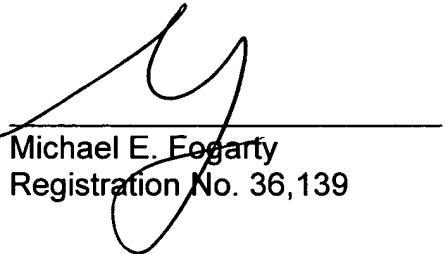
Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 1/3/03

By:


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W. , Suite 1200
Washington, D.C. 20005-3096
Telephone: 202-756-8000
Facsimile: 202-756-8087

WDC99 536438-1.043890.0449